

AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 8
OFFERED BY MRS. LUMMIS OF WYOMING

At the end of the bill, add the following new title:

1 TITLE _____ —OTHER MATTERS

2 SEC. ____ . URANIUM TRANSFERS AND SALES.

3 Section 3112 of the USEC Privatization Act (42
4 U.S.C. 2297h–10) is amended—

5 (1) by redesignating subsections (b) through (f)
6 as subsections (d) through (h), respectively;

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) DEFINITIONS.—In this section:

10 “(1) DEPLETED URANIUM.—The term ‘depleted
11 uranium’ means uranium having an assay less than
12 the assay for—

13 “(A) natural uranium; or

14 “(B) 0.711 percent of the uranium-235
15 isotope.

16 “(2) GLOBAL URANIUM REQUIREMENTS.—The
17 term ‘global uranium requirements’ means, with re-
18 spect to a calendar year, an average of the total ura-
19 nium requirements for the year for nuclear power re-

1 actors worldwide, as forecast by 2 or more inde-
2 pendent uranium market analysts.

3 “(3) HIGHLY ENRICHED URANIUM.—The term
4 ‘highly enriched uranium’ means uranium having an
5 assay of 20 percent or greater of the uranium-235
6 isotope.

7 “(4) LOW-ENRICHED URANIUM.—The term
8 ‘low-enriched uranium’ means uranium having an
9 assay greater than 0.711 percent but less than 20
10 percent of the uranium-235 isotope.

11 “(5) METRIC TON OF URANIUM.—The term
12 ‘metric ton of uranium’ means 1,000 kilograms of
13 uranium.

14 “(6) NATURAL URANIUM.—The term ‘natural
15 uranium’ means uranium having an assay of ap-
16 proximately 0.711 percent of the uranium-235 iso-
17 tope.

18 “(7) OFF-SPEC URANIUM.—The term ‘off-spec
19 uranium’ means uranium in any form, including de-
20 pleted uranium, highly enriched uranium, low-en-
21 riched uranium, natural uranium, and UF₆, that
22 does not meet the specification for commercial mate-
23 rial (as defined by the standards of the American
24 Society for Testing and Materials).

1 “(8) SECONDARY TAILS.—The term ‘secondary
2 tails’ means the tails remaining after the re-enrich-
3 ment of depleted uranium.

4 “(9) URANIUM.—

5 “(A) IN GENERAL.—Other than in sub-
6 section (c), the term ‘uranium’ includes natural
7 uranium, uranium hexafluoride, highly enriched
8 uranium, low-enriched uranium, and depleted
9 uranium.

10 “(B) EXCLUSION.—The term ‘uranium’
11 does not include uranium contained in low-level
12 radioactive waste (defined in section 2 of the
13 Low-Level Radioactive Waste Policy Act (42
14 U.S.C. 2021b)) and high-level radioactive waste
15 or spent nuclear fuel (as such terms are defined
16 in section 2 of the Nuclear Waste Policy Act of
17 1982 (42 U.S.C. 10101)).

18 “(10) URANIUM HEXAFLUORIDE; UF₆.—The
19 terms ‘uranium hexafluoride’ and ‘UF₆’ mean any
20 chemical compound consisting of one atom of ura-
21 nium combined with 6 atoms of fluorine.

22 “(b) TRANSFERS AND SALES BY THE SECRETARY.—
23 The Secretary shall not provide enrichment services, or
24 transfer, sell or otherwise provide any uranium to any per-
25 son except in accordance with this section.

1 “(c) DEVELOPMENT OF FEDERAL EXCESS URANIUM
2 MANAGEMENT PLAN.—

3 “(1) IN GENERAL.—Beginning on January 1,
4 2017, and not less frequently than once every 10
5 years thereafter, the Secretary shall issue a long-
6 term Federal excess uranium inventory management
7 plan (referred to in this section as the ‘plan’) that
8 details the management of the excess uranium inven-
9 tories of the Department of Energy and covers a pe-
10 riod of not fewer than 10 years.

11 “(2) CONTENT.—

12 “(A) IN GENERAL.—The plan shall cover
13 all forms of uranium within the excess uranium
14 inventory of the Department of Energy, includ-
15 ing depleted uranium, highly enriched uranium,
16 low-enriched uranium, natural uranium, off-
17 spec uranium, and UF₆.

18 “(B) REDUCING IMPACT ON DOMESTIC IN-
19 DUSTRY.—The plan shall outline steps the Sec-
20 retary will take to minimize the impact of
21 transferring, selling, or otherwise providing ura-
22 nium on the domestic uranium mining, conver-
23 sion, and enrichment industries.

24 “(C) MAXIMIZING BENEFITS TO THE FED-
25 ERAL GOVERNMENT.—The plan shall outline

1 steps the Secretary shall take to ensure that the
2 Federal Government maximizes the potential
3 value of uranium for the Federal Government.

4 “(3) PROPOSED PLAN.—Before issuing the final
5 plan, the Secretary shall publish a proposed plan in
6 the Federal Register pursuant to a rulemaking
7 under section 553 of title 5, United States Code.

8 “(4) DEADLINES FOR SUBMISSION.—The Sec-
9 retary shall issue—

10 “(A) a proposed plan for public comment
11 under paragraph (3) not later than 180 days
12 after the date of enactment of this paragraph;
13 and

14 “(B) a final plan not later than 1 year
15 after the date of enactment of this paragraph.”;
16 (3) in subsection (d) (as redesignated by para-
17 graph (1))—

18 (A) in the sixth sentence of paragraph (3),
19 by striking “subsections (b)(5), (b)(6) and
20 (b)(7) of this section” and inserting “para-
21 graphs (5), (6), and (7)”;

22 (B) in paragraph (8), by striking “(b)”;
23 (4) in subsection (e)(1) (as redesignated by
24 paragraph (1)), by striking “subsection (c)(2)” and
25 inserting “paragraph (2)”;

1 (5) in subsection (f) (as redesignated by para-
2 graph (1))—

3 (A) by striking paragraph (1) and insert-
4 ing the following:

5 “(1) IN GENERAL.—In addition to the transfers
6 authorized under subsections (e) and (g), section
7 3173 of the American Medical Isotopes Production
8 Act of 2012 (42 U.S.C. 2065), or the American As-
9 sured Fuel Supply program established by the Sec-
10 retary on August 18, 2011 (76 Fed. Reg. 51,357),
11 the Secretary may transfer, sell, or otherwise provide
12 any uranium from the stockpile of the Department
13 of Energy, subject to the following limitations:

14 “(A) Effective for each calendar year from
15 2016 through 2023, and notwithstanding any
16 other provision of law, the Secretary shall not
17 transfer, sell, or otherwise provide in any cal-
18 endar year more than 2,100 metric tons of nat-
19 ural uranium equivalent in any form, including
20 depleted uranium (calculated as the amount of
21 natural uranium expected to be produced in the
22 re-enrichment process and excluding the result-
23 ing secondary tails), highly enriched uranium,
24 low-enriched uranium, natural uranium, off-
25 spec uranium, and UF₆.

1 “(B) Effective for calendar year 2024, and
2 notwithstanding any other provision of law, the
3 Secretary shall not transfer, sell, or otherwise
4 provide in such calendar year more than 2,700
5 metric tons of natural uranium equivalent in
6 any form, including depleted uranium (cal-
7 culated as the amount of natural uranium ex-
8 pected to be produced in the re-enrichment
9 process and excluding the resulting secondary
10 tails), highly enriched uranium, low-enriched
11 uranium, natural uranium, off-spec uranium,
12 and UF₆.

13 “(C) Effective for any calendar year after
14 2024, and notwithstanding any other provision
15 of law, the Secretary shall not transfer, sell, or
16 otherwise provide in any calendar year an
17 amount of natural uranium equivalent in any
18 form, including depleted uranium (calculated as
19 the amount of natural uranium expected to be
20 produced in the re-enrichment process and ex-
21 cluding the resulting secondary tails), highly en-
22 riched uranium, low-enriched uranium, natural
23 uranium, off-spec uranium, and UF₆, that ex-
24 ceeds the greater of—

25 “(i) 2,700 metric tons; or

1 “(ii) 4 percent of global uranium re-
2 quirements for the following calendar year.

3 “(D) In making transfers, sales, or other
4 provisions under this paragraph, the Secretary
5 shall give priority, to the maximum extent prac-
6 ticable, to transfers, sales, or other provisions
7 that involve the re-enrichment of depleted ura-
8 nium to natural uranium.”;

9 (B) in paragraph (2), in the matter pre-
10 ceeding subparagraph (A), by striking “(2) Ex-
11 cept as provided in subsections (b), (c), and
12 (e)” and inserting the following:

13 “(2) DETERMINATIONS.—Except as provided in
14 subsections (d), (e), and (g), and subject to para-
15 graph (3)”;

16 (C) by adding at the end the following:

17 “(3) REQUIREMENTS FOR DETERMINATIONS.—

18 “(A) PROPOSED DETERMINATION.—Before
19 making a determination under paragraph
20 (2)(B), the Secretary shall make the proposed
21 determination public and provide public notice
22 and opportunity for comment on the determina-
23 tion.

24 “(B) QUALITY OF MARKET ANALYSIS.—

25 Any determination under paragraph (2)(B)

1 shall be made using the best available evidence
2 and the Secretary shall ensure and maximize
3 the quality, objectivity, utility, and integrity of
4 the information on which the determination is
5 based.

6 “(C) WAIVER OF SECRETARIAL DETER-
7 MINATION.—Beginning on January 1, 2021, the
8 requirement for a determination by the Sec-
9 retary under paragraph (2)(B) shall be waived
10 for transferring, selling, or otherwise providing
11 uranium by the Secretary if the uranium has
12 been identified in the updated long-term Fed-
13 eral excess uranium inventory management plan
14 under subsection (c)(1).”; and
15 (6) in subsection (g) (as redesignated by para-
16 graph (1)), in the matter preceding paragraph (1),
17 by striking “(d)(2)” and inserting “(f)(2)”.

